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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

REFAI, RAMSEY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/027,048	Applicant(s) WALSH ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/15/08</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Responsive to Amendment received February 8, 2008. Claims 1-16 and 18-23 have been amended.

Claims 1-26 remain pending.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues with substance:

Argument A: *Lakshman does not disclose " processing the identification to select at least two filters from a plurality of fixed length filters to filter the at least two clusters"*

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In rejecting the claims, the Examiner has applied Lakshman in view of Pitcher. Lakshman teach receiving an identification of at least two clusters of the discrete segments of data within a packet (**packets contain segments of data see fig. 1) (col. 4, lines 48-54)**; and processing the identification to select at least two filters from of a plurality of filters to filter the at least two clusters (**col. 4, lines 54-55 see also col. 5, lines 7-16**) but fail to explicitly teach wherein the filters are *fixed length* filters and wherein each of the selected at least two fixed length filters has *an offset value*

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corresponding to a beginning of one of the at least two clusters. However in Pitcher et al teach a method for filtering data packets in a network based on content of the data packets whose content meets a condition specified by a specific filter. **(see abstract, column 3, lines 48-67).** The filters have an offset value calculated from the beginning of the data packet and a fixed length **(see column 7, lines 30-60, column 10, lines 25-28, fig 2-4).** It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Lakshman and Pitcher et al because doing so would allow for Lakshman to filter data using fixed length filters and use an offset value to properly filter the data at the beginning of the data of interest. Therefore the combination of Lakshman and Pitcher teaches the claimed limitation.

Argument B: *It would have not been obvious to combine Lakshman and Pitcher as suggested by the Examiner.*

In response, the Examiner respectfully disagrees. KSR forecloses the argument that a **specific** teaching, suggestion, or motivation is required to support a finding of obviousness. In the instant case, Lakshman fail to explicitly teach wherein the filters are *fixed length* filters and wherein each of the selected at least two fixed length filters has *an offset value corresponding to a beginning of one of the at least two clusters.* However in the same field of endeavor, Pitcher et al teach a method for filtering data packets in a network based on content of the data packets whose content meets a condition specified by

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a specific filter. (see abstract, column 3, lines 48-67). The filters have an offset value calculated from the beginning of the data packet and a fixed length (see column 7, lines 30-60, column 10, lines 25-28, fig 2-4). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Lakshman and Pitcher et al because doing so would allow for Lakshman to filter data using fixed length filters and use an offset value to properly filter the data at the beginning of the data of interest.

Argument C: *Lakshman's system does not indicate whether any filters have a common length.*

In response, the Examiner disagrees. Lakshman teaches that potential filters can have a specific length, such as 512 bits *each* (see column 4, lines 28-47).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-26 are rejected under 35 U.S.C. 103 (a) as being unpatentable by Lakshman et al (U.S. Patent No. 5,951,651) in view of Pitcher et al (US Patent No. 5,790,554).

4. As per claims 1, 7-8, 12, and 18, Lakshman discloses an apparatus comprising a storage device configured to store control logic; a processor configured to execute control logic to perform the method comprising **(router)**:

(a) receiving an identification of at least two clusters of the discrete segments of data within a packet **(packets contain segments of data see fig. 1) (col. 4, lines 48-54);** and

(b) processing the identification to select at least two filters from of a plurality of filters to filter the at least two clusters **(col. 4, lines 54-55 see also col. 5, lines 7-16).**

Lakshman fail to explicitly teach wherein the filters are *fixed length* filters and wherein each of the selected at least two fixed length filters has *an offset value corresponding to a beginning of one of the at least two clusters*. However in the same field of endeavor, Pitcher et al teach a method for filtering data packets in a network based on content of the data packets whose content meets a condition specified by a specific filter. **(see abstract, column 3, lines 48-67).** The filters have an offset value calculated from the beginning of the data packet and a fixed length **(see column 7, lines 30-60, column 10, lines 25-28, fig 2-4)**. It would have been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine the teachings of Lakshman and Pitcher et al because doing so would allow for Lakshman to filter

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data using fixed length filters and use an offset value to properly filter the data at the beginning of the data of interest.

5. As per claim 2, Lakshman discloses the plurality of filters have a common length (**col. 4, lines 30-33**).

6. As per claim. 3, Lakshman discloses each of the plurality of filters is 2 bytes (**fig. 5, 75b**).

7. As per claim 4, Lakshman fail to explicitly disclose that the plurality of filters is configured so that each of the plurality of filters has an offset value corresponding to one of the discrete segments of the packet. However in the same field of endeavor, Pitcher et al teach a method for filtering data packets in a network based on content of the data packets whose content meets a condition specified by a specific filter. (**see abstract, column 3, lines 48-67**). The filters have an offset value calculated from the beginning of the data packet (**see column 7, lines 30-60, column 10, lines 25-28, fig 2-4**). It would have been obvious to one of ordinary skill in the art at the time of the Applicant' s invention to combine the teachings of Lakshman and Pitcher et al because doing so would allow for Lakshman to filter data using an offset value to properly filter the data at the beginning of the data of interest.

8. As per claim 5, Lakshman-Pitcher et al disclose that at least one of the plurality of filters has the offset value of 0 (**Pitcher: figures 2-3**).

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9. As per claims 6 and 17, Lakshman discloses that a first one of the at least two clusters of data is formatted in accordance with a first protocol and a second one of the at least two clusters of data is formatted in accordance with a second protocol different than the first protocol (**col. 2, lines 23-34**).

10. As per claim 9, Lakshman discloses receiving an identification of a protocol of the data and a value (**col. 6, lines 34-40**).

11. As per claim 11, Lakshman discloses that the mapping module contains further control logic for performing the steps of mapping the identification of the protocol of the data and the value to the at least two clusters of the discrete segments of data (**col. 6, lines 42-51**).

12. As per claims 13-14 and 19-20, Lakshman discloses the steps of generating a filter mask that identifies segments of the at least two of a plurality of filters (**col. 4, lines 55-66**) and providing the filter values (**col. 4, lines 66-67 through col. 5, lines 1-3**).

13. As per claims 15 and 21, Lakshman discloses the method further comprising the step of: generating at least one rule for combining data filtered by at least two of a plurality of filters (**col. 7, lines 1-17**).

14. As per claims 16 and 22, Lakshman-Pitcher discloses the method comprising the step of: selecting offset values for the at least two of the plurality of filters (**Pitcher: figs 2-4**)

15. As per claim 23, this claim contains similar limitations as claims 1 and 12 above, therefore are rejected under the same rationale.

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16. As per claim 24, Lakshman-Pitcher teaches the cluster map includes the offset of the first and second filters (**Pitcher: figs 2-4**).

17. As per claims 25 and 26, Lakshman teach none or all of the plurality of filters overlap (**column 4, lines 1-3**).

18. As per claim 10, Lakshman teaches that the value comprises an IP address (**column 3, line 24-30**) but fail to teach the use of DVB-T protocol. However, it would have been obvious to one of the ordinary skill in the art at the time of the Applicants' invention to use DVB-T protocol in Lakshman's method because doing so would allow for the efficient routing of quality audio and video data by filtering Digital Video Broadcasting data using a plurality of filters.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of